IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 645 of 2007(B)

AGAINST THE ORDER IN CC.219/06 IN
CC.787/2005 of C.J.M.,KASARAGOD

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PETITIONER:

M/S. EXXON MOBIL LUBRICANTS (P) LTD.,
3RD FLOOR, TOWER A, SIGNATURE TOWERS,SOUTH CITY-1,
NH 8, GURGAON-122 001, HARYANA, REPRESENTED BY
MR.D.K.KARTHIK (MANAGER, SUPPLY & DISTRIBUTION) &
POWER OF ATTORNEY HOLDER.

BY ADV. SRI.C.G.SUNIL
SRI.SAJI MATHEW
SRI.DENU JOSEPH

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
LEGAL METROLOGY, SECRETARIAT, TRIVANDRUM.

2. THE CHIEF CONTROLLER OF LEGAL METROLOGY,
GOVT. OF KERALA, TRIVANDRUM.

3. THE SENIOR INSPECTOR OF
LEGAL METROLOGY, KASARGODE.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.645 of 2007

Dated this the 5th day of January, 2007

JUDGMENT

The petitioner is M/s.Exxon Mobil Lubricants Pvt. Ltd. The short grievance of the petitioner is that a non bailable warrant issued by the learned Judicial Magistrate of the First Class, Kasaragod is attempted to be executed unnecessarily and unjustifiably against the petitioner by the respondent. The accused in that case is M/s.Esso Petroleum Pvt. Ltd. The petitioner is not the said accused. Even otherwise it is submitted that no non bailable warrant of arrest can be issued against a corporate entity.

2. I find the objections raised to be absolutely justified. Ext.P1 letter issued by the complainant to the petitioner suggests and indicates that proceedings may be taken against the petitioner to execute the warrant.

3. Needless to say, a process issued by a criminal court can be executed only against the person against whom it is directed. The petitioner cannot be proceeded against, since he is not shown to be the accused in C.C.No.219 of 2006. I am of opinion that no further directions need be issued. A copy of this Order shall be communicated to the learned Chief Judicial Magistrate. The learned Government Pleader shall communicate a copy of this order to the complainant also.

With the above observations/directions, this Writ Petition is, dismissed.

(R.BASANT, JUDGE)

rtr/-